

2400 - PERSONNEL

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The Milford School District shall not discriminate in any of its educational programs, activities, or employment practices on the basis of age, race, creed, color, religion, national or ethnic origin, gender, marital status, sexual orientation, physical or mental disability, or economic status. Further, it shall affirm equal opportunity in all of its educational programs, activities, and employment practices.

The District will not discriminate against any employee who is a victim of domestic violence, harassment, sexual assault, or stalking.

This policy of non-discrimination is applicable to all persons employed or served by the District. Any complaints or alleged infractions of the policy, law or applicable regulations will be processed through the grievance procedure.

This policy is in compliance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, The Individuals with Disabilities Education Act (IDEA of 2008), The Civil Rights Restoration Act of 1991, and the Americans with Disabilities Act of 1991, and the laws of New Hampshire pertaining to non-discrimination.

Any person having inquiries concerning the Milford School District's compliance with the regulations which implement these laws may contact the District's Gender/Title IX Coordinator, the Special Education Director, English for Speakers of Other Languages (ESOL) Coordinator, or the Superintendent of Schools.

Ref: RSA 186:11, XXXIII
RSA 275:71

Adopted: 1/1976

Revised: 9/1978, 12/1978, 3/1989, 3/1995, 8/1997, 9/1997, 6/2007, 10/2012,
10/2014.

Milford School District employees are expected to be cooperative and respectful in their interactions with their fellow employees, students, parents and community members.

No employee of the District shall in any way, directly or indirectly, be uncooperative or disrespectful to, or cause disharmony among, fellow employees, students, parents and community members.

Adopted: August 1974

Revised: March 1989, June 2007

PREAMBLE

The Milford School District seeks to create and provide an educational environment which promotes an atmosphere of mutual respect. Such an environment must be free of sexual harassment.

Sexual harassment of any employee or student, by any other employee or student, or by any other person with whom an employee or student may interact to fulfill employment or school activities or responsibilities, is prohibited by State and Federal law and will not be tolerated by the Milford School District.

SEXUAL HARASSMENT

Federal and State law prohibit sexual harassment. Sexual harassment includes unwelcomed sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, for obtaining employment or education, or
2. Submission to or rejection of that conduct or communication by an individual is used as the basis for decisions affecting that individual's employment or educational performance, or
3. That conduct or communication has the purpose or effect of unreasonably interfering with an individual's employment or educational performance, or
4. That conduct has the purpose or effect of creating an intimidating, hostile, or offensive working or educational environment.

References: RSA 354-A:7 Unlawful Discriminatory Practices.

Revised: 4/1996, 4/2007, 6/2012

The procedures and guidelines outlined in this policy shall be utilized to assist in resolving complaints and grievances* within the following areas; Alleged Discrimination, Sexual Harassment, Violation of Title IX, Section 504, and any other such complaint and/or dispute, or any alleged violation of District Policy 2405.

A complaint is an assertion by an individual (“Aggrieved Individual”) that he or she is the victim of a violation, misinterpretation, or inequitable application of District policies, regulations and procedures, existing laws, or other actions that adversely and directly affect the individual personally.

Complaint processing should be viewed as a positive and constructive effort which seeks to establish the facts upon which the complaint is based and come to a fair conclusion. Any person filing a complaint under this policy or who participates in any investigation of any such complaint, will not be discriminated against nor be the subject of retaliation on account of such complaint or participation. Retaliation will be deemed a violation of this policy.

Procedures:

Whenever reasonable, an aggrieved individual is encouraged to discuss his/her grievance with the person involved in an attempt to resolve the matter informally. If the aggrieved party is not comfortable with informal resolution or if informal resolution is not achieved, a complaint must be filed and will be processed according to the following procedures:

1. Level One

- a. For Complaints of conduct not concerning Sexual Harassment (Sexual Harassment is defined and discussed on Policy #2406) a complaint will be presented orally and informally to the immediate supervisor for review and resolution.
- b. Alleged sexual harassment brought forth by an employee will immediately be referred to the Superintendent of Schools and shall move immediately to Level two.
- c. Alleged sexual harassment brought forth by a student will be brought to the Superintendent of Schools who may proceed to deal with the complaint as he or she sees fit. The Superintendent may omit any or all step(s) of this procedure. The Superintendent shall take any and all actions he or she deems necessary to keep any student safe from harm. Employees of the District may not and shall not engage in a sexual relationship with any student currently enrolled in the Milford School District. Unwelcomed sexual advances, requests for sexual favors, or verbal or physical conduct that has sexual connotations, by students or employees, will not be tolerated. Depending upon the circumstances and degree of the harassing behavior, the Superintendent may implement any discipline up to and including discharge or expulsion. Additionally, some forms of sexual harassment are considered violations of State criminal law and, as such, shall be referred to law enforcement authorities.

2. Level Two

- a. If, as a result of the informal meeting(s), the matter is not resolved satisfactorily the aggrieved person may within twenty (20) business days after the alleged policy violation present his/her grievance in writing to the Chairperson of the Grievance Committee c/o the Superintendent's Office, specifying the nature of the grievance and dates(s) of the occurrence and the remedy sought.
- b. The Grievance Committee consists of the following personnel, and will be gender balanced;
 1. Human Resources
 2. One member from each school appointed annually by each school's Leadership Team.
- c. The Grievance Committee shall make every effort to investigate and resolve the matter as quickly as possible (within 20 business days from the receipt of the written grievance), the Grievance Committee shall issue a written decision including any corrective action to be taken to the Aggrieved Person.

3. Level Three

- a. If the Aggrieved Person is not satisfied with the decision of the Grievance Committee, he or she may appeal the decision to the Superintendent within ten (10) business days after receipt.
- b. The Superintendent will, within twenty (20) business days of receipt of the appeal, investigate and render a decision, in writing, to the Aggrieved Person.

4. Level Four

- a. If the Aggrieved Person is not satisfied with the decision of the Superintendent of Schools, he or she may appeal the Superintendent's decision to the School Board within ten (10) business days after receipt.
- b. The Board will, within forty (40) business days of receipt of the appeal, investigate and render a decision, in writing, to the aggrieved person.
- c. The Board's decision will be considered final.

New Hampshire Commission for Human Rights

In addition to this procedure, or instead of it, any individual may contact the New Hampshire Commission for Human Rights, 2 Chennell Drive, Concord, NH 03301. 603-271-2767. No retaliation or discrimination shall be allowed against any person who does contact the New Hampshire Commission of Human Rights reasonably believing that a violation of any protected rights has occurred.

* Note: Other procedures are followed for the processing of grievances as defined in the collective bargaining agreements. Such procedures are set forth in agreements with staff units.

References: RSA 354-A:7 Unlawful Discriminatory Practices.

Adopted: 4/2007

Revised: 6/2012

A “concern” or “complaint” is defined as an alleged violation of Board policies or administrative procedures that apply to all employees. The process designated for the resolution of “grievances” is established in the collective bargaining agreements, if applicable.

The procedure to be followed by an employee regarding a personal concerns or complaints is to discuss the matter in a personal conference with the School Principal or with the immediate supervisor directly in charge. When the nature of the concerns or complaints dictates otherwise, the employee is always entitled to present his/her concerns or complaints to a higher supervisor. When the employee so decides, the initial conference on the concerns or complaints may be held with the Superintendent of Schools, or an unsatisfactory result of an interview with another supervisor may be appealed to the Superintendent of Schools.

Specifically, in order to promote efficiency the following guidelines should be followed:

1. All personnel employed by the District shall be responsible to the Board through the Superintendent. No dispute or other personnel issue shall be brought to the Board without first having gone to the Superintendent for determination. No personnel issues will be brought to the Board unless the affected employee has a right to a hearing before the Board, as established by law or collective bargaining agreement.
2. No dispute or other personnel issue shall be brought to the Superintendent without first having been presented to the building Principal for determination.
3. Building personnel working under the immediate direction and/or supervision of someone other than the building Principal will inform their immediate superior of any dispute of personnel issue s/he intends to bring to the principal.

It is expected that concerns or complaints will be resolved satisfactorily through these procedures. Unless the affected employee has a right to a hearing before the Board, administrative decisions shall be final. An employee’s failure to adhere to such decision or directive may be considered insubordination and may lead to adverse employment action.

Adopted: 3/1989

Revised: 6/2007, 8/2016

Employees of the District will not engage in, or have a financial interest in, any activity that raises a reasonable question of conflict of interest with their duties and responsibilities as members of the school staff. This includes but is not limited to:

1. Employees will not participate for financial remuneration in outside activities wherein their position on the staff is used to sell goods or services to pupils or their parents.
2. Employees who have patented or copyrighted any device, publication, or other item will not receive royalties for use of such item in the district schools.
3. Employees will not engage in any type of work where the source of information concerning customer, client, or employer originates from information obtained through the school system.
4. School employees will not solicit or sell for personal gain any educational materials or equipment within the School District. Nor will any employees make available lists of names of students or parents or employees of the district to anyone for sales purposes.
5. The District will not purchase supplies or materials from a staff member of the school district, nor from a member of the household of the staff member.
6. The Board instructs management to use discretion in the hiring of relatives in the areas of personnel management and payroll.

Adopted: October 1995

Revised: September 2001, June 2007

RIGHTS OF HANDICAPPED PERSONS POLICY STATEMENT

It is the policy of the Milford School District that no otherwise qualified individual with handicaps shall, solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by this school district.

For purposes of this policy and any implementing regulations, an individual with handicaps is a person who:

1. has a physical or mental impairment which substantially limits one or more of such person's major life activities, including learning;
2. has a record of such impairment; or
3. is regarded as having such an impairment.

NOTICE

Notice of the school district's policy on nondiscrimination in education and employment practices shall be given in the School District Policy Manual, posted throughout the district, and published in district statements regarding the availability of special education or employment positions.

Revised: June 2007

It is the policy of the Milford School District that any teacher or other school employee who suspects that a child's physical or mental welfare may be adversely affected by abuse or neglect shall report to the Division of Children and Youth Services and gives the following information:

1. Name, address, age, and sex of student
2. Name and address of parent or caretaker
3. Name and address of the person allegedly responsible for abuse and neglect, if known
4. The name of siblings who may be in danger, if known
5. The nature and extent of injuries or description of neglect

It is not the responsibility of the school employee to prove that the child has been abused or neglected or to determine whether the child is in need of protection.

An abused child is a child under the age of eighteen (18) who has been sexually molested or exploited, been psychologically injured so that said child exhibits symptoms of emotional problems generally recognized to result from consistent maltreatment or neglect, or been physically injured by other than accidental means.

Neglect means the failure to provide necessary food, care, clothing, shelter, or medical attention for a child's physical, mental, and emotional health.

School personnel, who in good faith make a report of suspected child abuse or neglect, have immunity for any liabilities, civil or criminal. The good faith of the reporter is presumed.

The Division of Children and Youth Services Bureau of Child and Family Services is the State agency mandated to receive and investigate reports of suspected child abuse to determine whether or not abuse is occurring. This responsibility does not lie with the school.

All citizens of New Hampshire are mandated to make an oral report of any suspected child abuse immediately to the Bureau of Child and Family Services, New Hampshire Division for Children and Youth Services, a branch of the Department of Health and Human Services. School Personnel are specifically identified as mandated reporters.

Such an oral report is to be followed within forty-eight (48) hours by a written report, if requested, to the Bureau.

Schools must allow trained Bureau caseworkers and law enforcement personnel to enter school facilities, interview students, and audio or video tape the interview without the consent or notification of the parent or parents of a child if there is suspicion that the child has been abused or neglected.

Schools must allow the investigating caseworker from the Bureau to take, or cause to be taken, photographs and/or x-rays of children's injuries who are subjects of a child abuse report. Such photographs or x-rays may be taken without the consent of the child's parents or guardians.

The Bureau may request and shall receive any assistance and information from schools that will enable it to fulfill its obligations to complete an investigation into alleged child abuse.

Persons willfully failing to report are guilty of a misdemeanor, which, under New Hampshire law, can mean a sentence of up to a year in jail and a \$1,000 fine.

Under State “right to know” laws, parents maintain the right of access to information compiled in their child’s school records. However, it is also the school’s right to withhold certain information which identified either the person who made the report or those who cooperated in a subsequent investigation, if the school believes the release of this information would be detrimental to the safety and interest of the reporting person.

Ref: RSA 169C – Child Protect Act

Adopted: 5/1978

Revised: 7/1985, 6/1994, 6/2007, 4/2009

The Board confirms that it has voted to indemnify and hold harmless school district employees pursuant to RSA 31:105, relating to claims that may be entered against them as a result of carrying out their assigned responsibilities. Additionally, the Board confirms that it provides for liability coverage for all personnel through policies structured to provide coverage for actions identified in RSA 507-B, as well as professional liability insurance, workers' compensation, and unemployment compensation coverage.

Adopted: November 1995

Revised: June 2007, November 2007

1. **Workers' Compensation**

All employees are covered by workers' compensation insurance paid for and provided by the District. This insurance coverage is provided for all employees regardless of assignment, length of assignment, and/or hours worked per day. Benefits afforded are for bodily injuries or illness and wage loss arising from accident or diseases suffered or contracted as a result of employment, as provided for by state law. In the event that an employee is injured and is collecting workers' compensation insurance, the District may pay to said employee the difference between workers' compensation and that employee's regular salary. In the event that an employee workers' compensation claim is determined to be fraudulent by the insurance company, the employee shall reimburse any supplemental compensation received from the District under this policy.

Adopted: June 1975

Revised: September 1981, March 1989, November 1995, January 1999, September 2001, April 2007, November 2007

2. **Unemployment Compensation**

All employees are covered by unemployment compensation insurance paid for and provided by the District. This insurance coverage is provided for all employees regardless of assignment, length of assignment, and/or hours worked per day. Benefits afforded are for wage loss due to temporary unemployment through no fault of the individual, for those who meet eligibility requirements as provided for in state law. District employees with reasonable assurance of employment after a regularly scheduled vacation break are ineligible for benefits during such breaks.

Adopted: November 1995

Revised: April 2007, November 2007

Definitions

The following words and phrases, as used in this Policy, shall have the following meanings:

Being in "Contact" with pupils means providing educational or other services to the District in an area where pupils are present.

"Regular Contact" with pupils means being in Contact with pupils: (1) on a daily basis for any period of time; or (2) regularly, once or twice a week, including but not limited to an art, music, or physical education teacher; or (3) as a substitute teacher being in Contact with pupils on a limited basis)

"Unsupervised Contact" with pupils means being in Contact with pupils when there are no other District employees present.

Background Investigation

Per RSA 189:13-a, the Superintendent shall conduct a thorough investigation into the past employment history and other applicable background of any person considered for employment with the District. This investigation shall be completed prior to making an offer of employment.

The Superintendent shall develop a background investigation protocol for use in conducting a background investigation and shall keep a written record of all background investigations which have been conducted.

As part of the application process, each applicant for a position shall be asked whether he/she has ever been convicted of a crime and whether there are any criminal charges pending against him/her at the time of the application. The falsification or omission of any information on a job application or in a job interview, including, but not limited to, information concerning criminal convictions or pending criminal charges, shall be grounds for disqualification from consideration for employment or immediate discharge from employment.

Criminal Records Check

Per RSA 189:13-a, each person age 18 or older considered for employment by the District shall submit to a criminal history records check. This includes, but is not limited to, former District employees who had previously resigned a position and are returning to the same or a different position.

Volunteers who will be in Unsupervised Contact with students shall also submit to a criminal history records check.

Contractors shall submit to the Superintendent a written verification that a background investigation and a successful criminal history records check has been conducted for all personnel who are in Unsupervised, Regular Contact with pupils.

The Superintendent is responsible to establish all necessary internal procedures relative to the initiation and completion of the criminal history records check.

Any person, with the exception of unpaid volunteers and Milford School District students, for whom the Board requires a criminal history records checks shall pay all fees and costs associated with the fingerprinting process and/or the submission or processing of the requests for the criminal history records checks, unless otherwise determined by the Board.

Conditional Employment

Any person who is offered conditional employment, as described in RSA 189:13-a, by way of individual contract or other type of letter of employment, will have clearly stated in such contract or letter of employment that his/her contract and continuation of employment is entirely conditioned upon the completion of a criminal history records check which is satisfactory to the District.

All persons employed under a conditional offer of employment may be covered under the District's health insurance and benefits programs. However, any such coverage will immediately cease and will not be subject to extension under COBRA, if the Board does not tender the person a final offer of employment by reason of application of this Policy.

Final Offer of Employment

A person who has been extended a conditional offer of employment, as outlined above, may be extended a final offer of employment upon the successful completion of a criminal history records check. When this final offer is accepted, the person shall be entitled to membership in applicable collective bargaining units subject to the requirements of RSA 273-A and shall immediately be covered by the terms and conditions of the collective bargaining agreement.

No person with a conditional offer of employment shall be extended a final offer of employment if such person has been convicted of any of the offenses, listed in RSA 189:13-a, V, or any of the following offenses: manufacturing, selling, administering, dispensing or distributing any controlled substance(s); or sexual misconduct.

In addition to the items listed above, a person may be denied a final offer of employment if he/she has been convicted of ANY felony. Such determination will be made by the Board on a case-by-case basis.

When the District receives a criminal history records check on a particular person which it finds unsatisfactory, the Superintendent shall dismiss said person within twenty-four (24) hours of the receipt of such report, excluding Saturdays, Sundays, or legally recognized holidays.

Additionally, a person may be denied a final offer of employment if the Superintendent becomes aware of other conduct which he or she determines would render the person unsuitable to perform the responsibilities of the position involved. Such determinations shall be made on a case-by-case basis.

Additional Criminal Records Checks

The Board may require a Criminal Records Check of any employee at any time.

References:

RSA 189:13-a

RSA 273-A

Adopted: November 1997

Revised: October 1998, November 1998, December 1998, June 2002, June 2007

All school personnel, to include but not limited to administrative, secretarial, maintenance, cafeteria and transportation personnel in each school district shall be required to have a pre-employment medical examination by a licensed physician qualified to practice medicine in at least one of the states of the United States of America. Any person who objects to all or part of any medical examination because of religious beliefs shall be exempt from said examination, except that no such exemption shall be granted if state or local authorities determine that such exemption would constitute a hazard to the health of persons exposed to the unexamined individual. The local school board shall further require additional medical examinations at specific intervals or upon the request of the local superintendent of schools during the period of employment. A written recommendation from the examining physician shall indicate that the employee is medically capable of performing his designated assignment.

Ref: RSA 200:36

Adopted: August 1976

Revised: May 1978, March 1989, June 1995, June 2007

District employees are not permitted to directly supervise, or be directly supervised by, a family member. If an employee is in a position to supervise a family member, the District will take appropriate action, which may include transferring one individual at its discretion.

For the purposes of this policy, family members will generally include an employee's spouse or domestic partner, child, grandchild, father, mother, father-in-law, mother-in-law, sister, brother, sister-in-law, and brother-in-law. If a District employee supervises a family member not specifically listed here, the District reserves the right to transfer one family member if it determines, in its sole discretion, that a conflict of interest exists.

Adopted: March 1989

Revised: June 2007

The Superintendent is authorized and directed to develop and implement a comprehensive and efficient system of personnel records, under the following guidelines:

1. A personnel folder for each employee, certificated and non-certificated, shall be accurately maintained in the administrative offices.
2. In addition to the application for employment and references, such folders shall contain records and information relative to compensation, payroll deductions, evaluations, and such other information as may be considered pertinent.
3. All personnel records of individual employees of the Board shall be considered confidential as determined by RSA 91-A:5. The Superintendent or his designee shall take the necessary steps to safeguard against unauthorized use or disclosure of personnel records.
4. Each employee shall have the right, upon request and within a reasonable period of time during normal business hours, to review the contents of his/her own personnel file, with the exception of references and recommendations provided to the district on a confidential basis by universities, colleges, or persons not connected with the district.
5. Lists of district employees' names and addresses shall be released only to governmental agencies as required for official reports, or as otherwise permitted by the School Board in accord with the State Board of Education regulations. A list of employees and their salaries shall be tendered to any citizens upon request in accord with RSA 91-A.

Ref: RSA 91-A

Adopted: June 1995

Revised: February 1998, January 1999, June 2007

Ongoing professional development is critical to sustaining a knowledgeable and current professional staff. In accordance with the New Hampshire Code of Administrative Rules, Part Ed 512, the Milford School District shall maintain a Professional Development Committee whose purpose is to develop and monitor the Professional Development Master Plan, under the direction of the Superintendent of Schools.

The purpose of the Professional Development Master Plan is to provide the faculty and staff of the Milford School District with tools to:

1. Guide educators in identifying and implementing meaningful activities that contribute to student achievement and improved teaching and learning in coordination with District goals and,
2. Guide educators in meeting individual credentialing requirements that contribute to overall educational improvement within the District.

Adopted: March 1989

Revised: June 1995, March 2006

The Superintendent or designee shall maintain a list of qualified substitutes who may be called on to replace teachers who are absent. Such a list shall be filed with the Principal of each school.

Insofar as possible, the Principal or designee will call substitutes on the substitute list for the area(s) for which they are listed. A substitute whose name does not appear on the substitute list may not be employed in the school district. The Principal will be responsible for seeing that the work of the substitute is as effective as possible and will provide him/her with a planned program. The rate of pay for a substitute shall be set by the School Board and be subject to periodic review.

Prior to employment all substitute employees must undergo a criminal records check, complete the required employment paperwork, and possess a minimum of a high school diploma.

The District has the following substitute teaching categories:

1. Daily Substitute Teacher

A daily substitute serves as a replacement for a teacher on an incidental basis, which is anticipated to be less than 20 consecutive days. He/she shall be compensated at the daily substitute rate as established by the Board.

2. Long-Term Substitute Teacher

A long-term substitute replaces a teacher who is absent for an extended period of time. A long-term substitute is one who works more than 20 consecutive days in the same position. He/she shall be compensated at the long-term substitute rate as established by the Board. A long-term substitute must be a certified teacher or have the Superintendent's permission to employ filed with the New Hampshire Department of Education.

3. Replacement Substitute Teacher

A replacement substitute replaces a teacher who is on a leave of absence for a minimum of one-half year. He/she shall be compensated at the same track and step on the school district's teacher salary schedule as the teacher going out on leave, not to exceed the track and step for which the substitute would qualify based on degree earned and experience in prior teaching positions. The person must be a certified teacher or must have the Superintendent's permission to employ filed with the New Hampshire Department of Education.

Adopted: February 1973

Revised: April 1974, March 1989, June 1995, January 2005, June 2007

Employees will not lose compensation as a result of jury duty. The employee is responsible for providing the initial notice that he/she has been called for jury duty to the building administrator, who will forward it to the payroll office. The employee will be compensated at his/her usual daily rate of pay by the District. Once jury duty service has been completed, the employee is required to provide the evidence from the Court that he/she appeared for jury duty to the payroll office, along with the payment issued for the service.

Adopted: March 1978

Revised: March 1989, June 2007

Upon termination of employment, personnel of the Milford School District may, at the discretion of the School Board, be requested to appear before the Board in non-public session for the purpose of conducting an exit interview. Such non-public session shall include the members of the Board and others as they deem necessary.

Ref: RSA 189:14

Adopted: December 1979

Revised: March 1989

Reviewed: July 1997

Revised: June 2007

All Milford School District employees operating or riding in either District-owned vehicles, or privately-owned vehicles being used for Milford School District business, are required to use seat belts. This excludes passengers on busses.

Adopted: 10/5/2009

2419 PUBLISHING COLLECTIVE BARGAINING UNIT CONTRACTS 2419

The Milford School Board shall make available for public review any newly ratified Collective Bargaining Agreements for a minimum of 10 days prior to the District's Deliberative Session. Such agreements shall be available at the Town Hall, Town Library, and the Milford School District's website. Should the contract be ratified within 10 days prior to the District's Deliberative Session, publication will be made as soon as possible.

Residents will be notified of such availability through the local media.

Adopted: 2/1994
Revised: 1/2010

I. Purpose

The Milford School District adopts the policy that it is important to provide meaningful work during the time of healing and strengthening following a work-related illness or injury to retain the knowledge and expertise of the employee, and to maintain the dignity and respect of the employee associated with the respective positions.

Temporary Alternative Duty is meant to be temporary and transitional in nature to return the employee back to full duty. This program will last as long as the employee continues to transition back to the position at full duty, but not longer than 18 months. Once the transition concludes, the Supervisor shall re-evaluate the temporary program in which the employee is participating.

This program is not intended to address those situations in which an employee has been deemed to be permanently disabled and unable to resume his/her previous position.

II. Procedure

a) The injured employee shall have the treating physician complete the NH Workers' Compensation Medical Form (75 WCA-1). The District shall provide the employee's job description essential task analysis to the treating physician. Upon completion, the injured employee will be responsible for returning the form to his/her supervisor.

b) The supervisor will work with the employee to facilitate a safe return to the work program with limitations listed by the treating physician. If a job description essential task analysis is needed for the treating physician to determine limitations, the employee will notify his/her supervisor. If necessary, the supervisor may contact the treating physician if additional information is needed regarding the employee's limitations.

c) The employee shall obtain an updated medical form, completed by the treating physician following every medical appointment, but in intervals no longer than forty-five days. The form shall be returned to the supervisor.

d) Additional modifications will be made to the temporary alternate duty program as necessitated by the treating physician's NH Workers' Compensation Medical Form. The supervisor will be responsible for reviewing the appropriateness of continuing the program or duty assignments as necessary.

e) Steps a through d may be repeated until such time, but not longer than 18 months, as the employee is able to return to his/her normal position or has been determined to be permanently disabled.

f) Appeals shall be in accordance with district procedures.

**Procedural Safeguards:
Non-Discrimination On The Basis Of Handicap Or Disability**

The District shall provide the Notice of Procedural Safeguards to parent/guardians and handicapped persons, as required by 34 C.F.R. Sections 104.7, 104.8, 104.22(4)(1), and 104.36 of the Regulations Implementing Section 504 of The Rehabilitation Act of 1973.

The District does not discriminate on the basis of disability in admission or access to, or treatment of, or employment in, its programs and activities.

The District provides a grievance procedure with appropriate due process rights for any claim that there has been a violation, misinterpretation, or misapplication of the terms of Sec. 504 by employees, other students and third parties participating in school activities or acting on behalf of the school district. The Director of Special Services, SAU #40, 100 West Street, Milford NH 03055-4871, is the designated employee charged with coordinating efforts to comply with Section 504.

The grievance process is voluntary and may be ended at any point.

The District also provides a Section 504 impartial hearing process for parents/guardians to appeal District actions regarding the identification evaluation, and placement of students with disabilities who need or are believed to need special education or related services under Section 504.

Grievance Procedure

Parents/guardians of a student with a disability or anyone who feels disability discrimination may have occurred have the right to file a complaint with the Director of Special Services, SAU #40, 100 West Street, Milford, NH 03055-4871, 603-673-6709.

The Director of Special Services shall conduct an investigation to include review of records, witness interviews and consideration of any other evidence the complainant provides.

The Director of Special Services shall issue a decision to the parties within ten (10) days of receipt of the complaint, including a determination of whether or not there was discrimination and, if there was discrimination, the steps to be taken to prevent recurrence of the discrimination, and to remedy the effects.

There shall be no retaliatory action taken toward parents or guardians of students who file a grievance relative to the filing, findings or remedy under this policy.

Milford School District
Section 504 Impartial Hearing Process

Purpose

An impartial hearing process is available to the parent(s)/guardian(s) of students with disabilities, as defined by Section 504, to resolve disputes regarding identification, evaluation, and placement under Section 504 of the Rehabilitation Act when there is a disagreement with a team decision.

Requesting an Impartial Hearing

1. Requests for an impartial hearing shall be made by filing a written request to the district Director of Special Education. Assistance will be provided for those not able to file a written request. The request shall include: the name of the student, the address of the student, the name of the school the student is attending, a description of the nature of the dispute, a proposed resolution of the dispute, and any other information believed to be important to understanding the dispute. Phone and/or email contact information is also helpful.
2. The parent/guardian has the right to examine all relevant records.
3. The Director of Special Education and the Superintendent arranges for an attorney to serve as an impartial hearing officer who is not a Milford School District employee.
4. The parent(s)/guardian(s) will be given written notice of the hearing, including time, date, and location of the hearing at least five (5) business days before the hearing.
5. Both parties have the right to be accompanied and represented by counsel with each party being responsible for his/her own attorney fees.
6. Both parties shall be afforded a full and fair opportunity to present evidence relevant to the issues raised.
7. The hearing officer will issue a decision in writing after considering the whole record. The decision will be issued within twenty (20) business days of the conclusion of the hearings. The decision is final and binding unless either party files a timely appeal in an appropriate court.
8. If the parent is not satisfied with the decision of the hearing officer, the parent can seek review in a court of competent jurisdiction.

Legal References

34 C.F.R. Part 104, Nondiscrimination on the Basis of Handicap Section 504 of The Rehabilitation Act of 1973

NH Department of Education Administrative Rules, Ed 1120, Procedural Safeguards

Adopted: 10/2012

Revised: 10/2014, 12/2016, 1/2018

2422 PUBLIC COMPLAINTS ABOUT SCHOOL PERSONNEL, EMPLOYEES, 2422 STUDENTS OR ADMINISTRATORS

Any complaint presented to The Milford School Board about school personnel, employees, students or administrators will be referred back to the Superintendent. The Milford School Board will not hear or review complaints until such complaints have first been brought forth through the appropriate and applicable administrative procedures and the Superintendent or his/her designee has a reasonable opportunity to resolve the complaint.

To remain impartial The Milford School Board may decline to hear any complaint as related to student or personnel matters. The complaint procedure shall not supersede or modify any right held by employees of the District under federal law, state law, contract or collective bargaining agreement.

To the extent it is deemed appropriate by the Superintendent and notwithstanding the rights afforded by federal law, state law, contract or collective bargaining agreement the individual who is the subject of the complaint may be advised of the nature of the complaint and may be given an opportunity for explanation, comment and presentation of the facts. The Superintendent shall seek to resolve the matter and report to The Milford School Board.

Complaints about the Superintendent may be made directly to The Milford School Board through the Board Chair but only after reasonable efforts have been made by the complaining party to resolve their complaint directly with the Superintendent. The Milford School Board may, to the extent it is appropriate, advise the Superintendent of the nature of the complaint and may give the Superintendent an opportunity for explanation, comment and presentation of facts.

In the event a complaint is made directly to an individual Milford School Board member the procedure shall be as follows:

1. The person is referred to the Superintendent, who may delegate the investigation to a Principal or other administrator.
2. If the person will not personally present the complaint the Milford School Board member will then ask that the complaint be written and signed. The Milford School Board member will then give the written statement to the Superintendent who will forward it to the appropriate party as necessary.
3. If the person making the complaint believes that the reply from the Superintendent is not satisfactory The Milford School Board may hear and act upon the complaint only by a majority vote. The Milford School Board may decline to act on any complaint which, in its sole judgment, would interfere with the Superintendent's ability to properly administer the district.

If The Milford School Board does hear and act upon the complaint, all Milford School Board decisions shall be final.

4. If The Milford School Board decides, in accord with Paragraph Three (3) above to hear and act upon a complaint that pertains to personnel, employee, student or administrative matters, it shall determine whether the complaint is heard in public or nonpublic session in accordance with RSA 91-A:3 and laws pertaining to student and family privacy rights. The Milford School Board shall also determine if it is appropriate to inform the individual who is the subject of the complaint of the meeting and to provide said individual with further opportunity for explanation, comment and presentation of the facts to The Milford School Board.
5. If the Superintendent is the subject of the complaint, The Milford School Board shall determine whether the complaint should be heard in public or non-public session in accordance with RSA 91-A:3. The Milford School Board may, to the extent it is appropriate, advise the Superintendent of the nature of the complaint and may give the Superintendent an opportunity for explanation, comment, and presentation of the facts.

Reference: RSA 91-A:3
Adopted: 12/2015